

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SAUL HOROWITZ,

Plaintiff,

-against-

SPARK ENERGY, INC., SPARK HOLDCO, LLC,  
MAJOR ENERGY SERVICES, LLC, MAJOR  
ENERGY ELECTRIC SERVICES, LLC, and  
RESPOND POWER, LLC,

Defendants.

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Case No. 1:19-cv-07534 (PGG)(DCF)

**NOTICE OF MOTION FOR SUMMARY  
JUDGMENT**

**PLEASE TAKE NOTICE** that, upon the annexed declarations of Brian Pete, Esq, Nathan Kroeker, and Michael Grae Griffin, the Rule 56.1 Statement, and annexed exhibits, the Memorandum of Law, and all prior pleadings and proceedings herein, the undersigned will move this Court, at the United States Courthouse, 40 Foley Square, Room 2204, New York, New York 10007, before the Honorable Paul G. Gardephe, U.S.D.J., on a date to be determined by the Court, for an Order: (a) pursuant to Federal Rules of Civil Procedure 56 dismissing the Second Amended Complaint and each count thereof because Plaintiff cannot raise a genuine issue of material fact as to any of his claims for relief; and (b) granting movants costs, fees and such other and further relief as is just and proper.

Dated: New York, New York  
February 10, 2022

**LEWIS BRISBOIS BISGAARD & SMITH LLP**

/s/ Brian Pete

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*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

Brian Pete, Esq., an attorney duly admitted to practice before this Court, certifies that on February 10, 2022, he caused to be served via email Defendants' Notice of Motion, Rule 56.1 Statement of Facts with annexed exhibits, Memorandum of Law in Support of Their Motion for Summary Judgment, supporting declarations upon on counsel of record.

/s/ Brian Pete

Brian Pete